



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Reitz et al.

Applic No.: 09/266,202

Filed : March 10, 1999

For : ZINC OXIDE PARTICLES

Docket No.: N19.12-0024

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PETITION FROM REQUIREMENT FOR RESTRICTION

BOX NON-FEE AMENDMENT
Assistant Commissioner for Patents
Washington, D.C. 20231

I HEREBY CERTIFY THAT THIS PAPER IS
BEING SENT BY U.S. MAIL, FIRST
CLASS, TO THE ASSISTANT
COMMISSIONER FOR PATENTS,
WASHINGTON, D.C. 20231, THIS

10 DAY OF February, 2001.
Robert J. Dandi
PATENT ATTORNEY

Sir:

Applicants hereby Petition From Requirement For Restriction under 37 C.F.R. §1.144. The Examiner has indicated that the restriction with respect to claims 31-35 is final in the present application after Applicants argued previously for the examination of these claims.

Applicants note that claims 31-35 depend from claim 1. It is believed sincerely that the examination of these claims follows directly from the examination of claim 1. Therefore, Applicants do not believe that any additional effort would be required to examine these claims along with claim 1. According to MPEP §803, a restriction is only proper when the examination of the additional claims would impose a serious burden. In this case, little additional effort would be required. Thus, Applicants do not believe that the restriction of claims 31-35 from claim 1 is proper.

Applicants respectfully request examination of claims 31-35 along with the other pending claims in the case.

The Rules do not seem to provide for the payment of a fee for a petition under 37 C.F.R. §1.144. If a fee is due, please charge such a fee to the deposit account listed below. The

Director of the Patent and Trademark Office is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

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